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***Attorneys for Defendants Ameriprise Financial, Inc.  
and Ameriprise Financial Services, Inc.***

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

XIMPLEWARE CORP.,

Plaintiff,

v.

VERSATA SOFTWARE, INC. F/K/A  
TRILOGY SOFTWARE, INC.; TRILOGY  
DEVELOPMENT GROUP, INC.;  
AMERIPRISE FINANCIAL, INC.;  
AMERIPRISE FINANCIAL SERVICES, INC.;  
AND AUREA SOFTWARE, INC A/K/A  
AUREA, INC.,

Defendant.

Case No. 13-cv-05160 NC

DECLARATION OF CASE COLLARD IN  
OPPOSITION TO XIMPLEWARE'S *EX PARTE*  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER, ORDER TO SHOW  
CAUSE RE: PRELIMINARY INJUNCTION  
AND FOR EXPEDITED DISCOVERY

I, Case Collard, declare as follows:

1. I am an attorney duly licensed to practice law before all the Courts of the State of California. I am an associate at the law firm of Dorsey & Whitney LLP ("Dorsey & Whitney"), counsel of record for Defendant Ameriprise in the above-captioned matter. I make this declaration in Opposition to XimpleWare's *Ex Parte* Application for Temporary Restraining Order, Order to Show Cause Re: Preliminary Injunction, and For Expedited Discovery. I have personal knowledge of the facts stated herein, and if called as a witness in this case, I could and would competently testify to these facts under oath.

2. On November 25, 2013 I successfully downloaded a copy of ximpleware\_2.11\_java.zip from <http://sourceforge.net/projects/vtd-xml/>. I also successfully downloaded a copy of ximpleware\_2.11\_java.zip from [http://sourceforge.net/projects/vtd-xml/files/vtd-xml/ximpleware\\_2.11/](http://sourceforge.net/projects/vtd-xml/files/vtd-xml/ximpleware_2.11/).

3. Attached hereto as Exhibit 1 is a true and correct copy of Ameriprise's Petition to Enforce Deposition Subpoena.

Dated: December 2, 2013.

DORSEY & WHITNEY LLP

By: /s/ Case Collard  
Case Collard